

FINAL NOTES NOVEMBER 18, 1997

IMPLEMENTATION TEAM MEETING NOTES

October 21, 1997, 9:00 a.m.-4 p.m.
NATIONAL MARINE FISHERIES SERVICE OFFICES
PORTLAND, OREGON

I. Greeting and Introductions.

The October meeting of the Implementation Team, held at the National Marine Fisheries Service's offices in Portland, Oregon, was chaired by Brian Brown of NMFS. The agenda for the October 21 meeting and a list of attendees are attached as Enclosures A and B. The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NMFS's Kathy Ceballos at 503/230-5420 or via E-mail at kathy.ceballos@noaa.gov.

II. Updates.

A) In-Season Management. No formal in-season management update was presented at today's meeting; one item to follow up on from last meeting, said Brown, is the formation of the Upper Snake workgroup, to be led by the Corps of Engineers. Has there been any progress on this since last month? We had a meeting scheduled, but it fell apart, replied USBR's Ron McKown. It has not been rescheduled at this point. Are we likely to have the Upper Snake water delivery issues defined in time for presentation at the Executive Committee's November meeting? asked Brown. I don't know, McKown replied. I don't have a problem with deferring that EC discussion for now, said Brown, but we will need to get some policy direction on this issue prior to the 1998 season. Our preference would be to frame the issues in time for the November EC meeting, said ODFW's Tony Nigro. After some minutes of discussion, it was agreed to attempt to reschedule the subcommittee meeting as soon as possible, in order to bring an issue summary to the November EC meeting and to allow enough time for IT review of this document prior to November 21. An IT conference call to review the subgroup's issue paper was set for Wednesday, November 12 at 9 a.m.

B) Plan for Analyzing and Testing Hypotheses (PATH). No PATH update was presented at today's meeting.

C) Decision Process Coordinating Group (DPCG). No DPCG update was presented at today's meeting. In response to a concern raised by McKown, it was agreed that, at its November 5 meeting, the IT will discuss the list of alternatives for analysis that the DPCG is helping to define, with the goal of reaching agreement on any additional alternatives that need to be modeled. In addition, BPA's Alan Ruger observed that the DPCG has identified a number of fundamental policy questions that must be answered before the development of the decision process can proceed; he suggested that DPCG coordinator Ed Sheets present these issues for

discussion at the November 5 IT meeting. How can they develop the decision process if they're unclear of the scope of what they've been asked to do? he asked. Good suggestion, said Brown.

D) Independent Scientific Advisory Board (ISAB). NMFS' Mike Schiewe, ISAB co-chair, distributed Enclosure C, a draft ISAB work plan for FY'98. This is by no means cast in stone at this point, he explained; it's intended as a starting-point, to give everyone a feel for the kinds of topics we'll be discussing. He spent a few minutes going through the items contained in the work plan. What about the IT's request that the ISAB review the feasibility of the proposed approach to biological studies contained in the Corps' DGAS program? asked COE's Doug Arndt -- I don't see that on the list. We can raise the issue, certainly, replied Schiewe -- we want to try to accommodate anything that is judged to be critical. He added that a three-day ISAB workshop has been scheduled for early November, at which the group will attempt to firm up its FY'98 work plan.

E) Dissolved Gas Team (DGT). NMFS's Mark Schneider, co-chairman of the Dissolved Gas Team, distributed Enclosure D, a written progress report on recent DGT activities. The DGT has been struggling with the IT's assignment for a couple of meetings now, Schneider began; this memo summarizes our progress to date, and also frames an issue on which we need some guidance from the IT: in order to rank research projects and develop a comprehensive dissolved gas research plan, the goal of that research needs to be clearly understood. The DGT needs to know whether the IT feels that the EPA water quality standard of 110% TDG is the appropriate goal for dissolved gas abatement; if not, the IT needs to clearly define a new goal, and to provide specific direction to the entities responsible for its pursuit, compliance and fulfillment, Schneider said.

We discussed at least part of this question at the last IT meeting, said Arndt, particularly the question of whether or not dissolved gas abatement decisions should be based on the estimated biological benefits of incremental reductions in TDG associated with each gas abatement alternative, or simply on the estimated reduction in physical TDG each alternative is expected to provide. At that meeting, we took a stab at drafting a question for the ISAB, which needs to be answered before a framework for biological studies can be developed. What's the status of that question to the ISAB, which was, as I recall, to ask ISAB if it is possible to develop biological information -- a "red line"-- that will add significant value to what currently exists, and aid decision making among DGAS alternatives?

Personally, I'm not very comfortable with asking the ISAB to tell us what kind of decisions we should be pursuing, said Nigro. This group's responsibility is to decide what are the critical decisions that need to be informed by science, then ask the ISAB to comment on the state of that science. I think we need to come to a common understanding of what decisions need to be made with respect to gas abatement before we can decide what question to send to the ISAB, he said. As far as Oregon is concerned, the main question is, what do we need to do to meet the federal water quality standard of 110% TDG? The only biological questions that need to be answered have to do with the risk of mechanical injury for fish associated with a given gas abatement alternative. We do not believe that biological studies related to incremental survival benefits associated with a given reduction in TDG are relevant to this decision, Nigro said.

I understand where Oregon is coming from, said Arndt, but my understanding, when I left the September IT meeting, was that this question was going to be forwarded to the ISAB. My

recollection of the discussion is that, while there was not complete agreement, there was some sense, from others at the meeting, that if we could develop a biological response to dissolved gas, that would be a good thing, said Brown. However, the view of the Salmon Managers was that it is unlikely that a biological response curve to help inform gas abatement decisions can be developed; hence the question to ISAB. If the ISAB's answer is no, the case is closed. If their answer is yes, then your question, about the relevance of that tool to the decisions at hand, is germane, said Brown.

That is essentially asking the ISAB to revisit the 110% standard, said Schiewe – I guess I would ask whether this group wants to be the one that starts a groundswell to revisit that national standard. I should add that the federal and state water quality agencies are totally focused on making sure that the 110% standard is upheld, said EPA's Mary Lou Soscia – we don't think it's appropriate for this committee to revisit the standard. Soscia added that a meeting has been scheduled in early December between EPA regional administrator Chuck Clark, General Griffin of the Corps and policy-level representatives of the various state water quality and fish and wildlife agencies, among others, to discuss the Corps' gas abatement direction.

The problem, as I've stated before, is that it is not going to be possible to meet the 110% standard under all flow conditions, given available technology and funding, said Arndt. Most of the alternatives the Corps is looking at will reduce gas to somewhere in the high teens to the low 120s. This being the case, how do we select between those alternatives? Do you simply choose the one that gets you closest to the standard?

The discussion continued in this vein for some minutes. Ultimately Brown asked whether it is the State of Oregon's position that any project that does not meet the 110% standard should be removed. We haven't talked about it in that respect, Nigro replied. If a thorough review shows that none of the alternatives on the table will achieve the 110% standard, then we're going to have to sit down and discuss other alternatives that were not considered, he said.

How far has the DGT's review of the dissolved gas abatement alternatives progressed? asked Brown. The Team has certainly looked at the results of the DGAS Phase II study, which included data on total dissolved gas vs. spill levels for the various alternatives at each project, Schneider replied. The Corps has made some predictions along the lines that one alternative would reduce TDG to 127% under all flow conditions, while another would reduce gas to, say, 123%. The DGT's feeling was that it will be difficult, if not impossible, to develop biological information that allows you to discriminate between the benefits of one of those alternatives over the other.

The problem is, said Arndt, it might cost \$10 million per project to implement the alternative that gets you to 127%, but it might cost \$100 million per project to get to 123% – is the region comfortable with making that kind of a decision based solely on the fact that one option gets you a little closer to the 110% standard, without knowing whether or not you're going to see a measurable biological benefit? This has nothing to do with trying to renegotiate the federal standard, he said.

If we were talking to, say, the pulp and paper industry, rather than the hydropower industry, about curbing a discharge that was in violation of the Clean Water Act, I guarantee you that EPA would not be interested in talking to those pulp and paper companies about ways to avoid

complying with the law, said Soscia. That 110% TDG standard was set through a formal public process, and the bottom line is, you need to meet the law.

Jim Yost said that the State of Idaho finds itself in a dilemma because EPA has declared the Clearwater reach below Dworshak a water-quality-limited segment due to high levels of dissolved gas. The only reason that section of the river does not meet the water quality standard for dissolved gas, Yost said, is the fact that the Salmon Managers have decided that this is the way they want the water released from Dworshak for temperature control and flow augmentation. Now a judge has ordered us to meet the State of Idaho water quality standard in that stretch of the Clearwater; at the same time, Idaho is trying to participate with the region in providing as much flow as possible for salmon. From that standpoint, said Yost, it would probably be helpful to Idaho to have some additional information on the biological effects of dissolved gas on salmon, in terms of being able to justify our continued exceedence of the state water quality standard.

Arndt reiterated his request that the ISAB be asked to answer the question formulated at the September IT meeting. We have heard other IT members object to that course of action, said Brown -- absent consensus, how shall we proceed? Nigro suggested that IT wait to see how the policy positions of each of the IT's participating agencies and tribes are articulated at the policy-level dissolved gas meeting mentioned earlier by Mary Lou Soscia. In addition, Nigro suggested that the Dissolved Gas Team be directed to develop a dissolved gas research, monitoring and evaluation plan that lays out what management decisions need to be made, summarizes the existing information available to inform those decisions, assesses how well that body of information informs those decisions, identifies the main information needs that still exist and lays out a research, monitoring and evaluation plan designed to fill in those gaps.

Schneider said the DGT has already scheduled a meeting for October 24 to look at the current results of dissolved gas research -- everything that has been done since the BiOp was signed -- in the context of three documents: the NMFS monitoring program, the 1995 risk assessment and the Expert Panel's proposal. Following that meeting, we should have a pretty good fix on where we are today, informationally, as well as what the major management decisions are, Schneider said. The next question after that, obviously, is what additional information is needed to inform those decisions. Schneider reiterated that it will be difficult, if not impossible, for the DGT to develop the requested comprehensive dissolved gas research plan until the above-outlined question about the goal of dissolved gas abatement is answered -- is the overall goal of the program to meet the 110% standard, or is it, as the Corps is proposing, to reduce dissolved gas to the extent technically, biologically and economically feasible? Since we're not presently able to reach consensus on that question, said Nigro, I would suggest that the DGT begin by looking at what information exists to inform both of those goals.

After some minutes of further discussion, Brown said that there is a policy-level dissolved gas meeting scheduled for early December, which should provide answers to, or at least clarification of individual IT participants' position on, some of the issues raised by the Dissolved Gas Team about the goal of the gas abatement program. On the research, monitoring and evaluation plan the IT has asked DGT to develop, Brown continued, unless the DGT feels that it simply can't attack that assignment without a decision on the overall goal, I would suggest that it is appropriate to approach the assignment more or less as Tony has suggested -- I would like to see that project move forward. I agree that it might be more sharply focused if you had a predefined

goal, Brown said, but I think the idea that there is a structural problem in the river for which there are structural alternatives that need to be evaluated is a given.

It is also a given that, at least over the short term, we have an interim program in which we will be exceeding what is considered to be a healthful condition, Brown continued; given that reality, we need to ensure that we have an adequate monitoring program in place. So the focus of the plan, initially, will be on the near term, which, given the fact that the gas standards will be exceeded at times, means the emphasis will be on monitoring, said Schneider. Also, to be clear, the audience for this plan is the IT, rather than the ISAB? he asked. That's correct, Brown replied.

On the final part of this issue – the question to be posed to the ISAB – do you think you've heard enough during this discussion, Mike, to be able to discuss with the ISAB what they think they may be able to do in shedding some light on the scientific disagreements that exist here? asked Brown. I can certainly lay it out for them, Schiewe replied – basically what I would ask is, is the science sufficient to develop what in essence is a dose biological response curve to gas, and what level of uncertainty would be associated with such a curve? I'll discuss that with the ISAB at their November 3-5 workshop, to see whether that is a question they would feel comfortable addressing, he said.

And you'll bring the ISAB's response back to this group before the ISAB is actually tasked to begin answering that question? asked Nigro. And then we'll discuss their response, together with the direction that comes out of the policy-level meeting in December, before the assignment is made? asked another meeting participant. Arndt objected to this suggested course of action, asking instead that the decision about a specific question to be posed to the ISAB be made at the November 5 IT meeting. The Corps deferred several biological studies based on that understanding, he said. Nigro said Oregon would not object to putting this issue on the agenda for discussion at the November 5 IT meeting; he asked that the Corps prepare a list, from their perspective, of the management decisions that would be significantly informed by the answer to this question. We'll come prepared to discuss that, Arndt replied.

F) System Configuration Team (SCT). Bill Hevlin of NMFS, co-chairman of the System Configuration Team, said that during its last two meetings, the SCT has been attempting to reach closure on the Corps' FY'98 general construction program, in light of the fact that we now know Congress has appropriated \$95 million for that program. We have now reached closure on all of the major elements of the FY'98 program, he said, although there are some minor elements within those major program components that are still under discussion.

The SCT will now be turning the majority of its attention to the development of the FY'99 program, Hevlin continued. There is language in the FY'98 appropriation that calls for ISAB/Power Planning Council review of the FY'99 program; we will begin discussing what information needs to be developed to inform that review at the next SCT meeting, which is scheduled for tomorrow. He added that, with this assignment in mind, the SCT will also be discussing its previously-developed guidelines and criteria for project prioritization; my thought was that we may need to present those guidelines for discussion at a future IT meeting, he said. It would be helpful if, at tomorrow's meeting, you could refine them to the point that that presentation could be made at the November 5 IT meeting, said Brown. We'll try to do so, agreed Hevlin.

Finally, said Hevlin, another part of the Appropriations Committee language directed the Corps to develop a scoping document on John Day drawdown within 90 days. This is the first step in looking at John Day drawdown, Hevlin explained, and at tomorrow's meeting, we'll be getting a report from the Corps on how they plan to approach that assignment.

My understanding, after conversations with Oregon's Congressional delegation, is that the ISAB is also being asked to review the Corps' FY'98 budget, said Nigro – how is that interface coming along? It's news to me if that applies to the FY'98 program as well, said Brown – from my perspective, I don't think ISAB review can reasonably be applied to the FY'98 program, without disrupting the program much more significantly than the appropriations language suggests to me. I think there are some in the Columbia Basin that would argue differently, said Nigro.

Are there sovereigns around this table who feel that the Corps' FY'98 program should be frozen, pending the results of ISAB review? asked Brown. The Corps is already committed to all of the major elements of the FY'98 program, said Hevlin – if you decide to stop those now, we're going to be spending a lot more money than we would if we just move ahead with them. That's my point, said Brown – I don't think that's realistic, but I don't want someone here to come back in two months to tell me that I was wrong, either. I can't answer that today, said Nigro – my tendency is to say, let's do a reality check, and conclude that it probably makes the most sense to apply this to FY'99. However, I'm not in a position today to say that's Oregon's official position on this issue.

I believe this was discussed at the last Council meeting two weeks ago, said Hevlin, and what they concluded was that the ISAB review was intended to apply to the FY'99 program. I agree with that assessment, said Michael Powelson of the Power Planning Council staff – it was agreed that we will not be able to subject the FY'98 budget to that type of review. That's certainly what NMFS is assuming, said Brown. Again, there are others in the region, some of whom were instrumental in getting this language inserted in the appropriation, that do not agree with that assessment, said Nigro.

I should also mention that the SCT is assisting Fred Olney in his Three Sovereigns assignment to develop estimates of capital construction costs beyond the year 2000, Hevlin said. Olney added that a meeting to discuss those long-term cost estimates has been scheduled for this Thursday, at 9 a.m. here at NMFS. The Corps has developed a dam-by-dam "shopping list" that includes a description of each item, its cost and a schedule for implementation. We plan to review that list to be sure that it's complete, then try to agree on what makes sense to implement through the year 2007, Olney said – the long-term capital improvements that would be associated with each of the potential system configuration alternatives.

III. Update on Hiring of Facilitator for the Regional Forum Teams.

If you'll recall, at the last IT meeting, we decided to expand the facilitation scope of work to include the three technical teams – the Technical Management Team, SCT and DGT – as well as the Executive Committee and Implementation Team, said IT coordinator John Palensky. Each of the three technical teams was asked to develop an estimate of the level of effort -- the number of hours --involved in facilitating a year's worth of meetings. Those estimates have now been provided by each team, and are summarized in Enclosure E.

The other thing we agreed at the last meeting was that I would expand the draft facilitator scope of work document to include the addition of the technical teams, Palensky said. That task has now been accomplished, and the new draft scope of work is attached as Enclosure F.

If you total up the hours each team estimates will be needed to prepare for, facilitate and follow up on its meetings over the course of the year, it comes out to 2,020, Palensky continued. Based on the numbers supplied by each committee, I've also developed an estimate of the hours of preparation and follow-up work that will be required per hour of actual meeting time ("hours work per meeting time"), he explained -- for all five groups combined, the estimate is about 1.1 hours of prep and follow-up time per hour of meeting time.

Powelson observed that, according to Donna Silverberg, at the most intensive level of facilitation, Oregon Dispute Resolution figures on one hour of prep and follow-up time per person per meeting -- in other words, if there are 15 people at a given meeting, that's 15 hours. That is an order of magnitude higher than what we've estimated, said Brown. Powelson added that, unfortunately, Oregon Dispute Resolution is not, as was reported at the last IT meeting, willing to provide facilitation to the Executive Committee at no cost; Silverberg is willing, however, to help the IT develop the facilitation Request for Proposals.

Between the five groups, there are at least 97 meetings per year; the total travel cost to attend those meetings, if a facilitator is hired from outside the Portland area, is estimated at a maximum of \$62,400. Factoring in per-hour rates ranging from \$100 per hour to \$200 per hour, Palensky developed low, medium and high estimates of the total annual cost of facilitation for the Regional Forum committees (see Enclosure E for details).

Further discussion of Silverberg's comments, as relayed by Powelson, yielded some confusion about the specifics of her level of effort estimates compared to those of the teams themselves. Nigro suggested that Palensky and Powelson meet with Silverberg to review the Regional Forum facilitation scope of work and clarify her comments.

Silverberg had several additional suggestions, Powelson said: first, that it would be best to hire a single contractor to do facilitation for all five groups -- otherwise, you're asking for a contracting -- and information exchange -- nightmare. Also, Donna suggested that it would be best if the facilitators themselves do not have a background in the material covered by each committee, because background creates bias, and good facilitators are trained to quickly grasp how things work, Powelson said. Lastly, Silverberg said dispute resolution should be added to the facilitation scope of work, because that's going to be a big part of the facilitator's role.

How do the other IT members feel about that last statement? asked Palensky. Is Donna implying that the facilitator will actually serve a dispute resolution function for each group, or simply that the facilitator will be trained in dispute resolution techniques, which will be employed to help the individual forum committees to work through difficult issues on their own? asked Nigro. I believe she has the latter role in mind, Powelson replied. So the point is that dispute resolution should be part of the skills package the facilitation contractor brings to the table, not that it will add a lot of hours to the scope of work? asked Brown. Exactly, Powelson replied.

Moving on, Palensky said he and Brown have provided a letter to Bob Lohn, BPA Director of Fish and Wildlife, which makes the argument that facilitation is a reasonable and prudent alternative under the 1995 Biological Opinion (this letter is attached as Enclosure G). We have

not yet received a response to this letter; however, the normal process is that, for a specific line item in the Biological Opinion, BPA would be able to approve the use of ESA funds on their own, without seeking Council approval, Palensky said. In the event that the BiOp status of an item is unclear, Lohn has generally expressed a desire to have Council approval to tap those funds. It is likely, in this instance, that BPA will want to seek Council approval before funds to hire a facilitation contractor are released.

With that in mind, we would like to have this scope of work package available for Executive Committee review as far in advance of their November 21 meeting as possible, with the goal of asking EC to approve it at that meeting, Palensky continued. If EC approves the package, it will then be appropriate to take it to the Council if that is BPA's desire. The next Council meeting is scheduled for December 9-10. The Council does have a work session scheduled for November 18-19; given the region's desire to get a facilitation contractor on board as soon as possible, it might be a good idea to convene an Executive Committee conference call to review the facilitation issue, such that we could place this item on the agenda for the Council's November work session.

The other aspect of seeking Council approval, Palensky continued, is that the Council generally wants to know whether CBFWA has reviewed, approved and prioritized a given item. We raised this issue at a recent CBFWA meeting, we had support from the U.S. Fish and Wildlife Service and the states of Oregon, Washington and Idaho at that meeting, but we did not have tribal support, although they did not formally object to the hiring of a facilitator – the appropriate tribal representatives were not present to make that call, Palensky explained. We will continue to seek CBFWA support for facilitation prior to the upcoming Council meetings.

The next steps, in a nutshell, are to finalize the draft scope of work, to seek Executive Committee approval and, if necessary, to go to the Power Planning Council for approval, Palensky continued. The question is how quickly we can complete that process. Nigro pointed out that the Council is represented at the Executive Committee, and suggested that, if the facilitator scope of work package were presented at the Nov. 18-19 Council work session, it might be feasible to seek simultaneous Executive Committee and Council approval at the EC's November 21 meeting. I don't see why that wouldn't be possible, said Powelson.

I will meet with Michael and Donna to further refine the level of effort, and prepare a brief update for the IT's November 5 meeting, said Palensky. I will also make arrangements to get the facilitation scope of work on the agenda for the Council's November work session. It was so agreed.

In response to a question, Palensky said that, once funding is approved, BPA will issue a facilitation contractor solicitation; a committee of IT members – and EC members if they choose to participate – will then be convened to screen the applicants. Finally, a second panel of IT and EC members will interview the final list of candidates and make their choice, which will then be forwarded to BPA for final approval. Under a best-case scenario, I think we're looking at conducting those interviews in early January, Palensky said.

IV. Corps of Engineers Report on Data Availability Issue.

As you recall, at the last IT meeting, we discussed the Salmon Managers' request for additional project operating data from federal and non-federal project operators, said Arndt. As I explained at that meeting, he said, it is primarily forecast information – not real-time or historical information – that is problematic, because some entities, notably BPA and the private power companies – feel that data is proprietary. We talked to the PNCA about this issue at its August meeting, and didn't get a lot of feedback in terms of formal positions from individual PNCA members, Arndt said. Several private project owners asked that the Salmon Managers provide a written request for the project operating data, including the basis for the need for that information and some assurance that proprietary information would be safeguarded. We asked that the PNCA members get back to the Corps with any further feedback by October 1; the only feedback I've received to date was from Douglas PUD, Arndt said. Essentially, Douglas sees a potential market problem if some of the private power companies were to disseminate forecast information – it could be used to steal a march in what has become an extremely competitive energy market. What Douglas said is that, if everyone else agreed to share their forecast information, Douglas would have less of a problem doing the same, Arndt explained.

With that in mind, it's the Corps' view that the logical next step in this process would be for the Salmon Managers to have a direct dialogue with the privately-owned utilities from which data is being requested, Arndt continued. Basically, the Corps is caught in the middle, and we don't want to be there. If the Salmon Managers can convince the private utilities that there is a need to disseminate this information, then we have no problem with sharing it. He distributed a letter from the Corps to NMFS dated October 9, expressing this point of view (Enclosure H).

Nigro observed that Oregon is a sovereign manager of the Columbia River resource; we've had this information in the past, it's essential for us to do our job, and we look to the federal agencies who are parties in this process to assist us in getting this information, he said. You have the information; it's available from you if you choose to give it to us. We're willing to provide the same assurances of confidentiality that the Corps, as a federal agency, provides to the private utilities. It's unreasonable to expect the Salmon Managers to try to obtain consensus among 15 separate power companies before the information can be provided, Nigro said.

NMFS isn't interested in putting on a road show for 15 separate utilities to convince them that this information should be provided, said Brown – it is required to implement the Biological Opinion on the federal Columbia River power system for in-season management. I think the approach the Corps needs to take is to put the private utilities on notice that, because this information is needed to implement the Biological Opinion, the Corps intends to supply it, to these parties, under these conditions, unless you hear from the private utilities by a specific date, Brown said.

It's certainly your right to write a letter to the Corps to that effect, said Arndt. After that, we'll see how this shakes out. Brown said he would draft such a letter as soon as possible; I can understand why the Corps doesn't want to be caught in the middle of this issue, he said, but I think that's why they call it the Reservoir Control Center.

Does BPA consider its flow forecasts proprietary? asked Brown. I would characterize them as business-sensitive information, which would affect the utility marketplace if it was widely distributed, replied BPA's Phil Thor. What if it was distributed only to the Salmon Managers? asked Brown. Under some sort of arrangement where confidentiality is protected, and the

information is not further disseminated or distributed, I think we can work out an arrangement, Thor replied.

We would still like to re-establish the relationship we had previously with the Corps, under which this information was always provided in the past, said Nigro. To that end, we would still like to see NMFS send the letter Brian has described. I would request that BPA's power marketing staff also be allowed to participate in the subsequent discussions between the Corps, NMFS and the other Salmon Managers, said BPA's Dan Daley.

One point I would like to make on the larger implications of this issue, Daley continued: if BPA is to remain federal – and believe me, there is no one at Bonneville who intends to do anything but to remain federal – then BPA has to continue to deliver on its public benefits. In the eyes of the public and the region, that is more important than anything else BPA does. The main public benefit we provide is funding for the fish and wildlife mitigation effort. If we are to continue to deliver that benefit, we have to somehow contain the cost. We cannot contain the cost if everyone in the world has access to our energy surplus and purchase information.

V. November 21 Executive Committee Meeting.

The group spent a few minutes discussing the agenda for the November 21 Executive Committee meeting in Portland, ultimately developing the following recommended list of agenda items:

1. Discussion of steelhead listing and how NMFS intends to proceed with regard to consultation -- status report.
2. Discussion of approach to transportation and capital construction issues in 1998 – how to avoid last year's debacle (include Energy and Water Appropriations Bill language if passed).
3. 1999 decision process – summary of last EC meeting discussion, brief update and continuation of discussion.
4. Update on the Three Sovereigns process.
5. EC approval to proceed with the acquisition of a facilitator for the IT, EC and Regional Forum technical committees.
6. Review of 1997 operations – physical and biological information, survival study data, headwater impacts, power impacts etc.
7. Update on the dissolved gas Memorandum of Agreement update, anticipated 1998 TDG waiver process.
8. Discussion of Upper Snake water delivery issue (if ready)

It was agreed that the IT will hear a preview of the presentations for EC agenda item 6 at its November 5 meeting.

VI. Status of ISRT Consideration of How to Assess COE-Funded Activities Outside the Current

Structure.

I talked to Tom Cooney about this yesterday, and it's not yet completely resolved, said Schiewe. How the ISAB ultimately deals with the issue of the Corp's capital budget is very much related to this issue; Tom, Chip McConnaha and I have discussed the value this type of review might have for the region, and I think we all agree that it would be valuable, Schiewe said. I think we would like to have an opportunity to discuss this issue further with the fishery co-managers before we come forth with a definite plan or recommendation.

In response to a question, Schiewe explained that the gist of this issue is that IT is looking for a forum and mechanism for the review of Corps-funded research projects that fall outside the purview of the System Configuration Team. They believe that the Integrated Scientific Review Team might be the most appropriate forum for that effort.

This has been on our agenda for nearly two years now, said Nigro – when are we actually going to see some progress? We worked this issue pretty hard when it was first raised, replied Schiewe – unfortunately, there were some fundamental differences in the approach various entities wanted to take to this review process, and those differences have never been resolved.

After some minutes of further discussion, Schiewe said he, McConnaha and Cooney would take responsibility for beginning to develop a framework within which this review process can proceed. The intent of this framework is to provide a context and goals for the overall research program, he explained. One question I would ask is whether we have the right people at the table

to develop this review process, Schiewe said. Bear in mind that this assignment has its origins in a request from Will Stelle that I investigate the possibility of developing an overarching plan for research, monitoring and evaluation for salmonids in the entire Columbia River Basin – that's a fairly tall assignment, he said.

It sounds like that effort is pretty closely-related to the framework that is being developed under the Multi-Year Implementation Plan umbrella, and that it would be helpful for the ISRT to have that framework, observed Palensky -- over the next several months, there is going to be a fairly intense effort to complete it. It's probably valid to ask whether it would be productive to charge ahead and ask the ISRT to conduct this review, absent that framework. Certainly I think it would be useful to create closer ties between the two efforts, to avoid duplication of work, said Brown. Perhaps it would be useful for the IT to discuss this issue further at its November 5 meeting, suggested Nigro.

A few minutes of further discussion yielded the observation that the Council is also in the process of trying to flesh out the rudimentary research, monitoring and evaluation framework contained in the MYIP, to provide the starting-point for a project-level multi-year implementation plan and a regional research, monitoring and evaluation plan. Perhaps the place to leave this is to say that I will talk to Chip and Tom about our discussion today, and we will come to the November 5 IT meeting prepared to discuss this further, said Schiewe. It was agreed to place this item on the November 5 agenda.

VII. Process for Decision-Making on 1998 Juvenile Fish Transport Operations.

We have had some discussions with the ISAB on this issue, said Brown; in NMFS's view, carefully separating the long-term question of the role of transportation in recovery from the immediate question of potential survival advantages to transportation in 1998 is a concept that would benefit from ISAB review. As I said at the last meeting, at the conclusion of whatever review process we use, we want to ensure that we have time left over for dispute resolution, to try to avoid a repeat of the 1997 transportation morass. I would like to get the question for ISAB defined fairly quickly, and would be willing to take a stab at drafting the question for review at the November 5 IT meeting, Brown said.

If the IT is able to reach consensus on the wording of that question, we would then put it on the November 21 EC agenda and ask that group to forward the question to ISAB for review, he continued. The intent is to assuage concerns that NMFS has already made up its mind about the long-term role of transportation in recovery, and to focus instead on specific operations in 1998, said Brown. In response to a question, Brown said that, to allow time for further discussion and potential dispute resolution, the ISAB review will probably need to be completed no later than February 1, 1998.

After some minutes of discussion, no IT objections were raised to Brown's suggested course of action; the IT made an initial attempt to formulate the assignment to the ISAB, with the following result: that IT will ask the ISAB take the information that is available with regard to transport and in-river migration, and reach some conclusions about the performance of salmon under each of these alternatives, as well as the uncertainties associated with each alternative.

In addition to making this assignment to the ISAB, would it be helpful to the rest of the IT for NMFS to develop a strawman proposal for 1998 transport operations, as a starting-point for our discussion of the issue? he asked. I think that would be very useful, said Nigro, particularly if you can include the scientific justification for that recommendation, and NMFS's interpretation of the available transport performance information to date.

It was agreed that it would be most useful for the IT to discuss NMFS's 1998 transportation strawman in the context of the ISAB's findings. Daley expressed the concern that if NMFS distributes its 1998 strawman prior to the completion of the ISAB review, it could cloud the ISAB's ability to conduct an independent, unbiased review of the available data. If that's going to cause confusion, Nigro said, we could sequence the two work products – do the ISAB review first, then distribute NMFS's 1998 strawman. After some minutes of further discussion, it was agreed that Brown will refine the question to be posed to the ISAB and distribute his suggested wording to the other IT members in advance of the November 5 meeting; at that meeting, the IT will finalize the assignment to the ISAB.

VIII. Steelhead Objectives.

There are two main issues we have been discussing with the federal agencies in the steelhead consultation process, said Brown – transportation, particularly at McNary, and early April Mid-Columbia flows. At the last IT meeting, the Bureau of Reclamation distributed some modeling data, that, in my view, at least, looked at Mid-Columbia flows more broadly than is necessary. The problem with Mid-Columbia flows in early April is the fact that water is being held back until after April 20, when the BiOp flow targets kick in. That means steelhead in the Mid-Columbia reach are migrating under relatively low flow conditions. According to the

Bureau's modeling work, if we try to meet BiOp flows during this overlap period, we will drain the storage reservoirs. However, in establishing a flow regime for steelhead, I don't know why we would specify a flow that is different from what we've established for chinook, with the exception of this early April period, said Brown.

However, that will require shifting some flow from summer to early spring, observed one meeting participant. What I had hoped the Bureau's analysis would get at is how much shifting would be required, in terms of water volume, said Brown. Instead, this analysis covers flows in the Mid-Columbia generally, in spring and summer, without regard for the existing Biological Opinion requirements.

Michele DeHart of the Fish Passage Center observed that the Bureau's analysis has its roots in a request from the states to the federal parties, through the PNCA, to establish flows in the Mid-Columbia, because that had never been done before. The problem, as we've seen in past years, is that Mid-Columbia flows can get extremely low in May, particularly in years where you have a high runoff volume in the Snake River and a lower runoff volume in the Columbia. The original request covered the entire spring and summer period in the Mid-Columbia reach, which explains why the Bureau's analysis may not address your specific question. The states' intent was to provide some protection for all of the species migrating through the Mid-Columbia reach – steelhead, spring/summer chinook and fall chinook.

I guess my main question is, do the states want to reopen the 1995 Biological Opinion to revisit summer flows? said Brown. Or do they want to supplement the Opinion with language that deals with a specifically-identified steelhead problem in the early April period? I'll have to talk to the other states about that, said Nigro. Anyway, those two issues – transportation and Mid-Columbia flows – are the main ones we're trying to wrestle with in the consultation process, said Brown.

IX. Approval of Minutes from September IT Meeting.

No IT comments were provided on the September meeting minutes at this time.

X. Next IT Meeting Date and Agenda Items.

The next Implementation Team meeting was set for Wednesday, November 5, from 9 a.m. to 4 p.m. in NMFS's Portland offices. With that, the meeting was adjourned. Meeting notes prepared by Jeff Kuechle, BPA contractor.